

APPENDIX 7

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Date: August 21, 2001

Simonds Industries Inc.

To: P. Benoit
H. Botticello
S. Caselli
C. Holm
J. Palmer
R. Richard

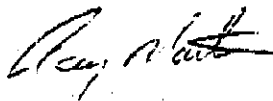
From: Ray Martino

Subject: R I F

Based on lower than forecasted sales activity for Q3 and a similar volume pattern for Q4, we have decided to implement a second reduction in force. The reductions will take place from September through December with some carryover events possible based on the completion of the first phase of the ERP project. For information purposes, a summary of the remaining actions from RIF #1 is attached.

Listed on the following page are the summaries of the minimum targeted reductions in addition to RIF #1.

Please respond to me no later than September 4 with your plans to accomplish your portion of the plan.



RM/nb

Ray Martino

Attachments

cc: I. Thibodeau

RIF Schedule			
		Target Date	Responsibility
Big Rapids			
Rosalie Deverage	S	?	HB
Robert Bonzheim	S	12/31/01	CH
Newcomerstown			
Haring	I	09/01/01	CH
Specht	I	09/01/01	CH
Wayne Miller	S	?	CH
Corona			
Madelene Martinez	S	10/01/01	RM
James Gossage	S	10/15/01	RM
Springfield			
Indirect	I	8/15/01	CH
Indirect	I	8/15/01	CH
Fitchburg			
Ross George	S	09/15/01	RM
David Mandelaw	S	10/01/01	PB
John Jordan	S	08/31/01	CH
White	I	12/31/01	CH
Bernard	I	12/31/01	CH
Strongridge			
Admin	S	9/30/01	JP
Chuck Whipps	S	9/30/01	JP
Armstrong			
John Wilson	S	12/31/01	RM
Wespa			
Wending	S	11/01/01	HB/CH
Stutzmann	S	11/01/01	HB/CH
Grieger	S	10/01/01	HB/CH
Corporate			
Don Mattson	S	12/01/01	SC
Kevin Boudreau	S	12/01/01	SC
Judy Calms	S	12/01/01	SC
Robert Kozloski	S	12/01/01	SC
Accounting	S	12/01/01	HB
Accounting	S	12/01/01	HB
Frainey	S	12/31/01	RR

APPENDIX 8

14:48:34 1 referring to?

14:48:35 2 THE WITNESS: Yeah. I understand

14:48:36 3 the time frame.

14:48:37 4 MS. ELLIOTT: I don't.

14:48:38 5 MR. SIGEL: Okay. Between January

14:48:39 6 of 2000 and May of 2001.

14:48:41 7 MS. ELLIOTT: Okay.

14:48:48 8 A. Let's see. There was a reduction

14:48:52 9 of -- I want to make sure I'm -- there was a

14:48:56 10 reduction of the unit manager, Todd, and --

14:49:00 11 prior to that, I believe. Again, I'm not sure

14:49:07 12 about all the -- you know --

14:49:11 13 Q. Todd Darling?

14:49:12 14 A. Todd Darling, yeah. I'm not sure

14:49:15 15 about all the other -- again, there might have

14:49:17 16 been some finance or data processing or inside

14:49:22 17 sales that I'm not aware. I mean, I suspect

14:49:24 18 there were, but I don't really know.

14:49:29 19 Q. Did you have any involvement in any

14:49:31 20 of the decision regarding layoffs that occurred

14:49:34 21 after January of 2000?

14:49:36 22 A. No.

14:49:44 23 Q. Were you asked for your input

14:49:46 24 regarding any of those layoffs?

22

14:49:50 1 A. After?

14:49:52 2 Q. Yes. After January of 2000.

14:49:53 3 A. No.

14:49:57 4 Q. So you had no input into the

14:50:03 5 decision to lay Mr. -- lay off Mr. Alberghini

14:50:06 6 in May of 2001?

14:50:08 7 A. No.

14:50:08 8 Q. Did you have any knowledge of the

14:50:10 9 reasons for his layoff in May of 2001?

14:50:15 10 A. No.

14:50:26 11 Q. In your opinion, were the layoffs

14:50:30 12 which occurred after January of 2000 and prior

14:50:32 13 to your leaving the company based on legitimate

14:50:38 14 reasons?

14:50:40 15 A. I don't have a comment on that.

14:50:43 16 Q. So you can't say either way?

14:50:46 17 A. Legitimate is kind of a value

14:50:48 18 judgment. Company had embarked on some

14:50:54 19 downsizing, so be it. It's not important

14:50:56 20 whether I thought it was correct or legitimate.

14:51:06 21 Q. Well, did you agree with their

14:51:08 22 decisions regarding downsizing?

14:51:11 23 MS. ELLIOTT: Which time frame are

14:51:13 24 you referring to?

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Ex.

14:51:14 1 Q. Any time after January of 2000 until

14:51:19 2 you left.

14:51:21 3 A. Agree? No. I can accept it. I

14:51:28 4 mean, again, this is a -- you know, a corporate

14:51:32 5 decision to downsize or right size the

14:51:37 6 organization.

14:51:37 7 Q. Do you know who the decision-makers

14:51:40 8 were regarding all of those layoffs?

14:51:43 9 A. I would assume it was held at the --

14:51:48 10 you know, the highest levels of the

14:51:48 11 corporation, Mr. Martino and Mr. Botticello.

14:51:52 12 You know, perhaps some involvement from Ilda.

14:51:55 13 I'm really not sure.

14:51:58 14 Q. But you don't know for sure.

14:51:58 15 A. No.

14:51:58 16 Q. Or the reasons that those

14:52:01 17 individuals were selected for layoffs?

14:52:04 18 MS. ELLIOTT: Which individuals are

14:52:05 19 you referring to?

14:52:08 20 MR. SIGEL: Again the time period is

14:52:08 21 people laid off after January of 2000 and prior

14:52:11 22 to the time you left the company.

14:52:12 23 A. The closest thing I ever heard to an

14:52:15 24 explanation about Alberghini, Brown, and Baker,

24

14:52:20 1 was at an impromptu meeting that Chip Holm, who

14:52:28 2 was now the vice president of manufacturing,

14:52:28 3 called, I believe, that -- the afternoon or the

14:52:30 4 very next morning after the three were let go.

14:52:38 5 And -- where he, number one I think it was a

14:52:39 6 courtesy to let the remaining staff know, you

14:52:42 7 know, before that -- maybe before the shop

14:52:45 8 floor knew, basically said that these three

14:52:48 9 people would be no longer with us.

14:52:49 10 He started to embark on an

14:52:54 11 explanation, but I think he came to the

14:52:58 12 conclusion that the less said, the better. I

14:53:00 13 mean, that's the way I interpreted it and we --

14:53:04 14 so -- I'd be hard-pressed to call it an

14:53:07 15 explanation. He basically said, you know,

14:53:10 16 "Lou, Barry, and Bill are no longer with us.

14:53:14 17 The engineering department now consists of

14:53:18 18 whoever is left," and that was pretty much it.

14:53:20 19 Q. Okay. Now, you were involved with

14:53:30 20 the reorganization and reduction in force which

14:53:32 21 occurred in January of 2000, right?

14:53:34 22 A. Yes.

14:53:34 23 Q. Do you have any personal knowledge

14:53:36 24 that Simonds intentionally discriminated on the

16:13:22 1 employees that get together for a dinner
 16:13:24 2 meeting maybe every eight or ten weeks.
 16:13:26 3 Q. Okay. Who is that?
 16:13:28 4 A. Ray Edson, Steve Harvey, Jim
 16:13:30 5 Carnivale, Ernie Evancic, Wally Fletcher,
 16:13:32 6 myself, Steve Niemi when he can make it, Jeremy
 16:13:34 7 Dexter was at the last one, I believe. That's
 16:13:36 8 about it.
 16:13:38 9 Q. Jeremy is still employed at the
 16:13:40 10 company, though, isn't he?
 16:13:42 11 A. Yeah.
 16:13:44 12 Q. Of that group, who is still employed
 16:13:46 13 at the company?
 16:13:48 14 A. Right now, just Jeremy.
 16:13:50 15 Q. Okay.
 16:13:52 16 A. Tom Szocik until recently.
 16:13:54 17 Q. And I meant to ask you the same
 16:13:56 18 question as far as any conversations with
 16:13:58 19 anyone else in Attorney Elliott's office since
 16:14:00 20 the last deposition.
 16:14:02 21 A. Not until recently, you know,
 16:14:04 22 getting -- confirming the dates for this
 16:14:06 23 meeting.
 16:14:08 24 Q. Okay.

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16:14:10 1 A. Yeah.
 16:14:12 2 Q. Another attorney in Ms. Elliott's
 16:14:14 3 office or --
 16:14:16 4 A. Whoever answered the phone.
 16:14:18 5 Q. Has Mr. Alberghini asked you to
 16:14:20 6 testify in this case if it goes to trial?
 16:14:22 7 A. No.
 16:14:24 8 MR. SIGEL: I may be done. Just
 16:14:26 9 looking at one minute.
 16:14:28 10 (A brief recess was taken.)
 16:14:30 11 MR. SIGEL: I have just a couple
 16:14:32 12 more questions. Back on the record.
 16:14:34 13 Q. Are you sure that Mr. Santoro wasn't
 16:14:36 14 hired to be a product engineer when he was
 16:14:38 15 first hired by Simonds?
 16:14:40 16 A. I'm almost positive he was -- it was
 16:14:42 17 a quality control position.
 16:14:44 18 Q. Right off the bat.
 16:14:46 19 A. Yeah.
 16:14:48 20 Q. Okay.
 16:14:50 21 A. Could be wrong, but that's the way I
 16:14:52 22 recollect it.
 16:14:54 23 Q. Okay. Fair enough. After the
 16:14:56 24 layoffs in January of 2000, are you aware of

16:18:00 1 any significant changes to the engineering
 16:18:02 2 group, either how it operated or structure?
 16:18:04 3 A. After 2000?
 16:18:06 4 Q. Correct. After January of 2000.
 16:18:08 5 A. Well, Ray Edson was the engineering
 16:18:10 6 manager for a time. He resigned. Steve Niemi
 16:18:12 7 was promoted. No, I can't think of anything
 16:18:14 8 significant in terms of a structural change. I
 16:18:16 9 mean, it was still an engineering manager
 16:18:18 10 reporting to the vice president of engineering
 16:18:20 11 or the director of engineering.
 16:18:22 12 I know at one point in time Ray
 16:18:24 13 Edson and I had a discussion about -- after I
 16:18:26 14 was named plant manager, he basically said,
 16:18:28 15 "Are you comfortable with the engineers still
 16:18:30 16 reporting to me and then reporting to Pete
 16:18:32 17 Hopper as opposed to going through the plant
 16:18:34 18 manager system?"
 16:18:36 19 And I said, you know, as long as
 16:18:38 20 there's a strong dotted line and I can get
 16:18:40 21 manufacturing floor help, I was fine with it.
 16:18:42 22 Q. I'm sorry, what was that change,
 16:18:44 23 then?
 16:18:46 24 A. There wasn't really a change. Ray

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16:19:20 1 and I briefly talked about maybe a different
 16:19:22 2 reporting scenario, but we left it alone. In
 16:19:24 3 other words, the -- I replaced the plant
 16:19:26 4 manager who was also a vice president.
 16:19:28 5 Q. Who was that?
 16:19:30 6 A. Bob Diedrich (phonetic spelling).
 16:19:32 7 So he had more plant-wide direct reports than I
 16:19:34 8 did.
 16:19:36 9 Q. Okay.
 16:19:38 10 A. So the engineering department was
 16:19:40 11 essentially under him. To me it was -- when I
 16:19:42 12 took over, it was just plant manager. There
 16:19:44 13 was more of a dotted line relationship with the
 16:19:46 14 engineering group. And Ray and I had a brief
 16:19:48 15 discussion about whether or not I was okay with
 16:19:50 16 that. And I was fine with it.
 16:19:52 17 Q. Okay.
 16:19:54 18 A. So as far as changes after 2000, I
 16:19:56 19 don't -- I can't recall -- I didn't see it.
 16:19:58 20 Q. Okay. And after January of 2001,
 16:20:00 21 you had, you said, little interaction with the
 16:20:02 22 engineers or the engineering group?
 16:20:04 23 A. A lot less because of the part of
 16:20:06 24 the plant that I had. So on a day-to-day basis

16:20:32 **1 I didn't need anywhere near the amount of**
 16:20:35 **2 engineering support as the other group.**
 16:20:38 **3 Q. Okay. Were you involved at all from**
 16:20:41 **4 that time on in any kind of engineering**
 16:20:44 **5 meetings or meetings regarding the engineering**
 16:20:47 **6 department?**
 16:20:49 **7 MS. ELLIOTT: Which time?**
 16:20:52 **8 MR. SIGEL: From January of 2001 on.**
 16:20:55 **9 A. Yes, with the acquisition that I**
 16:20:58 **10 mentioned. To bring the Anderson product line**
 16:21:01 **11 from Worcester to Fitchburg, there were**
 16:21:04 **12 numerous meetings with engineering, marketing,**
 16:21:07 **13 and operations people to do a fairly**
 16:21:10 **14 significant project. So I was the project**
 16:21:13 **15 leader and worked with the engineering group to**
 16:21:16 **16 do the installation.**
 16:21:19 **17 Q. Okay.**
 16:21:22 **18 A. Because that was probably the last,**
 16:21:25 **19 you know, real direct -- most direct**
 16:21:28 **20 involvement that I had prior to my leaving.**
 16:21:31 **21 Q. When was that?**
 16:21:34 **22 A. I think we embarked on the**
 16:21:37 **23 acquisition in -- somewhere in late 2000 and**
 16:21:40 **24 probably got it installed in February, March of**

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16:21:50 **1 2001. So it was probably like a three- or**
 16:21:53 **2 four-month project. It seems to me I remember**
 16:21:56 **3 some kind of a product rollout in February when**
 16:22:00 **4 we made our first piece and landed our first**
 16:22:03 **5 account. I think it was in February.**
 16:22:06 **6 Q. Do you know what the reasons --**
 16:22:09 **7 MS. ELLIOTT: I'm sorry, what year?**
 16:22:12 **8 THE WITNESS: 2001.**
 16:22:15 **9 Q. Do you know what the reasons were**
 16:22:18 **10 for the layoffs from the Fitchburg plant in May**
 16:22:21 **11 of 2001?**
 16:22:24 **12 A. No. Other than, you know, head**
 16:22:27 **13 count reduction.**
 16:22:30 **14 Q. Well, that's what I mean.**
 16:22:33 **15 A. Well, I can only assume that.**
 16:22:36 **16 Q. So you weren't involved in that at**
 16:22:39 **17 all?**
 16:22:42 **18 A. No, not at all.**
 16:22:45 **19 Q. What was your understanding as far**
 16:22:48 **20 as that goes? In other words, why were they**
 16:22:51 **21 trying to reduce head count?**
 16:22:54 **22 A. Cost reduction.**
 16:22:57 **23 Q. And at that time was there a -- had**
 16:23:00 **24 there been a continuing decline in sales, to**

16:22:48 **1 your knowledge?**
 16:22:51 **2 A. I think in 2001 because of the**
 16:22:54 **3 acquisition, there should have been an uptake**
 16:22:57 **4 in activity.**
 16:22:59 **5 Q. What acquisition are you talking**
 16:23:02 **6 about?**
 16:23:05 **7 A. The Anderson products group.**
 16:23:08 **8 Q. My question was, do you know one way**
 16:23:11 **9 or another whether there was a decline in sales**
 16:23:14 **10 in 2001?**
 16:23:17 **11 A. I don't know.**
 16:23:20 **12 MR. SIGEL: All right. I think I'm**
 16:23:23 **13 done.**
 16:23:26 **14 MS. ELLIOTT: Okay. I have several**
 16:23:29 **15 questions.**
 16:23:32 **16**
 16:23:35 **17 EXAMINATION BY MS. ELLIOTT:**
 16:23:38 **18 Q. Did you read the documents that Ilda**
 16:23:41 **19 Thibodeau brought to the meeting between**
 16:23:44 **20 yourself, Lou Alberghini, and Ms. Thibodeau on**
 16:23:47 **21 January 7th, 2000?**
 16:23:50 **22 A. No. No, I didn't. No.**
 16:23:53 **23 Q. Did you know on that -- excuse me,**
 16:23:56 **24 strike that. Do you know what the documents**

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16:23:59 **1 were that she brought with her at all?**
 16:24:02 **2 A. I know there was, you know,**
 16:24:05 **3 documents relating to the severance policy.**
 16:24:08 **4 Perhaps some other, you know, insurance, COBRA**
 16:24:11 **5 related things.**
 16:24:14 **6 Q. You're just guessing what she**
 16:24:17 **7 brought with her?**
 16:24:20 **8 A. Yeah.**
 16:24:23 **9 Q. Okay. Let me direct your attention**
 16:24:26 **10 to Exhibit 1 --**
 16:24:29 **11 A. Uh-huh (affirmative response).**
 16:24:32 **12 Q. -- of today's deposition. In the**
 16:24:35 **13 second paragraph it says, "Appropriate**
 16:24:38 **14 sign-offs were obtained." How do you know that**
 16:24:41 **15 the sign-offs were appropriate if you never**
 16:24:44 **16 read the documents?**
 16:24:47 **17 MR. SIGEL: Objection.**
 16:24:50 **18 A. It was poor choice of words. I mean**
 16:24:53 **19 appropriate -- I don't know.**
 16:24:56 **20 Q. Okay. Did you actually see**
 16:24:59 **21 Mr. Alberghini sign some documents?**
 16:25:02 **22 A. Again, it's, you know -- I guess at**
 16:25:05 **23 that point in the proceedings I felt that I'd**
 16:25:08 **24 kind of handed the proceedings over to Ilda. I**

15:24:55 1 himself perform, maintenance on machines, to
 15:24:58 2 your knowledge?
 15:25:00 3 A. I'm going to say not as
 15:25:06 4 operations -- not from '91 on. If he did as an
 15:25:06 5 electrical foreman, it's conceivable he might
 15:25:11 6 have helped troubleshoot. But I'm going to say
 15:25:15 7 not as a -- not as maintenance supervisor.
 15:25:21 8 Q. Did he ever report directly to you?
 15:25:28 9 A. There was a -- I had the -- when I
 15:25:32 10 was industrial engineering manager, I had the
 15:25:38 11 engineering department, the whole engineering
 15:25:38 12 department on an interim basis when the
 15:25:41 13 engineering -- when the manufacturing
 15:25:43 14 engineering manager was shifted to an
 15:25:46 15 assignment. So probably for a six-month stint
 15:25:53 16 I watched the whole engineering group. So that
 15:25:57 17 would have been it.
 15:25:58 18 Q. And during that six-month period --
 15:26:00 19 when was that again?
 15:26:08 20 A. '88, 1988 maybe.
 15:26:09 21 Q. Okay.
 15:26:10 22 A. Yeah.
 15:26:10 23 Q. And who else was in that group at
 15:26:12 24 the time, if you remember?

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15:26:13 1 A. Oh, it was a pretty good-sized
 15:26:19 2 department. I mean a lot of the names probably
 15:26:21 3 have come and gone, but I wish Ilda could help
 15:26:28 4 me. It was basically the whole manufacturing
 15:26:31 5 and industrial engineering group. Paul
 15:26:34 6 Goodness, Bob Reinford (phonetic spelling), Don
 15:26:44 7 Hagelburg --
 15:26:46 8 Q. Anyone there in January of 2000?
 15:26:49 9 A. Well, Barry Brown was the individual
 15:26:51 10 that was on assignment.
 15:26:55 11 Q. What was his job?
 15:26:58 12 A. He was the engineering manager.
 15:27:04 13 Q. Prior to Ray Edson?
 15:27:05 14 A. Yes. I'm going to say yes. I'm not
 15:27:10 15 sure if any of that group, other than Lou --
 15:27:18 16 Lou Alberghini, Don Hagelburg, Barry Brown were
 15:27:25 17 still employed in 2000 from the 1988 group.
 15:27:35 18 Q. Okay. And you brought me up to 2000
 15:27:40 19 as far as Mr. Alberghini's duties to your
 15:27:45 20 knowledge. And now my question is -- same
 15:27:47 21 question with respect to what he did when he
 15:27:47 22 was rehired by the company in January or
 15:27:50 23 February of 2000 and then through the end of
 15:27:52 24 his employment.

15:27:53 1 A. Well, he functioned as a -- what I
 15:27:57 2 call a project engineer giving -- working on
 15:28:02 3 projects for plant improvement, you know,
 15:28:05 4 machine design, projects as assigned by the
 15:28:10 5 engineering manager on the shop floor bringing
 15:28:12 6 in -- could be anything from automation,
 15:28:17 7 improved tooling or gauges, general floor
 15:28:21 8 support for, you know, troubleshooting on the
 15:28:24 9 shop floor, process improvement, work on cost
 15:28:32 10 reductions.
 15:28:32 11 Q. Did he assist other engineers in the
 15:28:34 12 department --
 15:28:35 13 A. Assist?
 15:28:36 14 Q. -- to your knowledge? Correct.
 15:28:43 15 A. I'm going to say they were pretty
 15:28:45 16 much individual contributors. I mean, clearly
 15:28:49 17 guys would, you know, draw on each other's
 15:28:52 18 expertise, but -- so, I mean, I'm sure there
 15:28:57 19 was a -- I'm sure there was a fair amount of
 15:29:01 20 interplay between the group. But do you mean
 15:29:04 21 in a capacity other than an individual
 15:29:09 22 contributor or --
 15:29:10 23 Q. Well, for example, if there was an
 15:29:13 24 engineer in the department who was working on

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15:29:15 1 something, to your knowledge would they ask
 15:29:20 2 Mr. Alberghini for a particular type of
 15:29:23 3 assistance?
 15:29:24 4 A. I can only assume they'd ask him for
 15:29:28 5 any advice on, for example, electrical
 15:29:29 6 engineering.
 15:29:29 7 Q. Why is that?
 15:29:31 8 A. Because he has a degree in
 15:29:32 9 electrical engineering and he's actually a
 15:29:35 10 licensed electrician. So if someone was
 15:29:38 11 building a machine and had some questions on,
 15:29:40 12 you know, what should I use for controls or
 15:29:43 13 schematics, I can only assume they'd ask Lou's
 15:29:49 14 advice.
 15:29:49 15 Q. Is it fair to say, looking at your
 15:29:54 16 experience working with Mr. Alberghini
 15:29:58 17 throughout the whole period that you did --
 15:29:58 18 A. Yeah.
 15:29:58 19 Q. -- was he primarily responsible for
 15:30:03 20 facilities and machine maintenance?
 15:30:06 21 A. That was the longest -- as our time
 15:30:12 22 overlapped, that was the longest span from '91
 15:30:19 23 to 2000.
 15:30:20 24 Q. Was he ever responsible for

15:30:21 1 designing a machine, in other words, from soup
 15:30:24 2 to nuts?
 15:30:24 3 A. Actually, I can recall one that he
 15:30:24 4 did design pretty much along with another
 15:30:24 5 individual. He and -- and an R and D engineer
 15:30:41 6 designed a very high tech machine that analyzed
 15:30:44 7 the vibrations of circular saws.
 15:30:47 8 Q. What was Mr. Alberghini's
 15:30:49 9 contribution to that project, if you know?
 15:30:52 10 A. It would have been the electronics,
 15:30:57 11 the -- the actual physical -- the other fellow
 15:30:59 12 was a physicist, so I think he was more of a
 15:31:02 13 conceptual type. Lou would have been the guy
 15:31:04 14 to say okay, it's going to need, you know, this
 15:31:06 15 kind of a motor and this kind of proximity
 15:31:10 16 switches and this kind of machine logic and...
 15:31:13 17 Q. Was there a mechanical engineer that
 15:31:15 18 worked on that as well?
 15:31:17 19 A. No. That would have been Lou. I
 15:31:18 20 mean, that would have been Lou functioning as
 15:31:21 21 project engineer.
 15:31:22 22 Q. He wasn't a mechanical engineer --
 15:31:24 23 MS. ELLIOTT: Objection.
 15:31:25 24 Q. -- right?

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15:31:25 1 A. He performed manufacturing
 15:31:27 2 engineering.
 15:31:28 3 Q. Well, my question is, he wasn't a
 15:31:30 4 mechanical engineer, right?
 15:31:32 5 A. He didn't have a degree in
 15:31:35 6 mechanical engineering.
 15:31:38 7 Q. And at the company he was never a
 15:31:41 8 manufacturing engineer, to your knowledge. Is
 15:31:43 9 that your understanding?
 15:31:45 10 MS. ELLIOTT: Objection.
 15:31:46 11 A. No. I'd say he was in the
 15:31:49 12 manufacturing engineering group.
 15:31:50 13 Q. When was that?
 15:31:52 14 A. After the rehire. I've called
 15:31:55 15 project engineer --
 15:31:56 16 Q. Okay.
 15:31:57 17 A. -- is essentially manufacturing --
 15:32:01 18 engineering support for the manufacturing
 15:32:03 19 floor.
 15:32:06 20 Q. All right. How about prior to the
 15:32:06 21 rehiring?
 15:32:07 22 A. As maintenance supervisor?
 15:32:11 23 Q. As anything.
 15:32:12 24 A. What was the question again? Did he

15:32:14 1 function as a manufacturing engineer --
 15:32:16 2 Q. Correct.
 15:32:19 3 MS. ELLIOTT: Prior to?
 15:32:20 4 Q. That's my question, prior to his
 15:32:22 5 rehiring.
 15:32:25 6 A. Well, he -- as maintenance and -- as
 15:32:30 7 maintenance manager, there clearly would have
 15:32:36 8 been some, you know, input into how machines
 15:32:38 9 were to be installed and maintained and the
 15:32:42 10 like, you know. I mean, he's done preventive
 15:32:47 11 maintenance programs. That could -- that often
 15:32:50 12 falls under manufacturing engineering things
 15:32:51 13 like that.
 15:32:52 14 Q. No, I understand. You're saying
 15:32:54 15 that he performed certain duties which might
 15:32:57 16 also have been performed by a manufacturing
 15:33:00 17 engineer? Do I understand you correctly?
 15:33:02 18 A. Yeah. Yes.
 15:33:03 19 Q. But that's different than did he
 15:33:04 20 perform the duties, all duties, of a
 15:33:06 21 manufacturing engineer prior to --
 15:33:09 22 A. No. He had his own position as
 15:33:16 23 maintenance supervisor. I mean, I performed my
 15:33:19 24 own industrial engineering because that's what

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15:33:20 1 I do. But I was also an operations manager.
 15:33:24 2 That was part of the kind of the focussed group
 15:33:27 3 where you try to be as self-sufficient as you
 15:33:29 4 can and wear as many hats as you can.
 15:33:34 5 Q. So is it fair to say with respect to
 15:33:37 6 all of Mr. Alberghini's duties before and after
 15:33:39 7 his rehire, that the main -- his main asset in
 15:33:47 8 those positions would have been his electrical
 15:33:52 9 expertise?
 15:33:52 10 MS. ELLIOTT: Objection.
 15:33:59 11 A. It was his area of expertise.
 15:34:01 12 Q. He wasn't a chemical engineer,
 15:34:04 13 right?
 15:34:04 14 A. No.
 15:34:04 15 Q. And he wasn't a mechanical
 15:34:06 16 engineer --
 15:34:06 17 MS. ELLIOTT: Objection.
 15:34:07 18 Q. -- right?
 15:34:07 19 A. Not degreed.
 15:34:09 20 Q. When you say not degreed, I mean --
 15:34:11 21 A. Well, I'm -- again I don't want to
 15:34:14 22 refer to myself. I've got a degree in
 15:34:17 23 industrial engineer.
 15:34:17 24 Q. Is that different than a mechanical

15:34:19 1 engineer?

15:34:19 2 A. Yes.

15:34:19 3 Q. How is it different?

15:34:24 4 A. It's probably less in the machine design side of it and more in the operation side, costing, quoting, job evaluations, job descriptions, incentive systems. But, you also need to be proficient enough to go to the shop floor and make improvements to equipments and processes. So I functioned as a manufacturing engineer.

15:34:44 12 Q. What's the difference between a chemical engineer and a mechanical engineer?

15:34:46 13

15:34:50 14 A. Oh, I did -- again, if you're a chemical engineer in a process industry, you probably get your -- you know, you probably get your hands dirty working on the process. That could be tantamount to saying a metallurgist. I mean, the metallurgists at Simonds get involved in what I consider manufacturing engineering because they know the metallurgical sides of the situation. Therefore, they can have a fair amount of input in machine design and machine installation from that viewpoint.

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15:35:28 1 Q. Is it important to have a background in material science to do metallurgical work?

15:35:28 2

15:35:33 3 A. It's critical.

15:35:34 4 Q. Critical.

15:35:35 5 A. Yeah.

15:35:39 6 Q. What's the difference between a mechanical engineer and project engineer? At least as project engineer was used at Simonds.

15:35:59 9 A. I think they are very comparable.

15:36:03 10 Q. Could you be a -- strike that. When you say someone's a mechanical engineer, doesn't that generally -- isn't it generally understood that they have a degree in mechanical engineering?

15:36:15 14

15:36:16 15 MS. ELLIOTT: Objection.

15:36:19 16 A. Simonds has had non-degreed mechanical engineers.

15:36:21 17

15:36:24 18 Q. Okay. And how about a chemical engineer? Any understanding that -- what is your understanding as to what the qualifications are to be a chemical engineer?

15:36:39 22 A. Probably because I have -- I don't have a lot of experience in it, but I -- again I expect that would be a degreed position more

15:36:46 1 often than not.

15:36:47 2 Q. And how about being a mechanical engineer? Is that a degreed position more often than not in your experience?

15:36:52 4

15:36:54 5 A. More often than not.

15:36:55 6 Q. And is it advantageous to have a mechanical engineering degree in order to be a manufacturing engineer?

15:36:57 7

15:37:00 8

15:37:01 9 A. Can't hurt, yeah. It's -- yes, it would be advantageous.

15:37:05 10

15:37:05 11 Q. And how about to be a product engineer as that term was used at Simonds, if you know what that phrase means. Same question.

15:37:10 13

15:37:16 14

15:37:18 15 A. The question being would it be advantage --

15:37:18 16

15:37:18 17 Q. Correct. Would it be advantageous to have a mechanical engineering degree?

15:37:20 18

15:37:22 19 A. Yes.

15:37:29 20 Q. Mr. Alberghini wasn't responsible for designing products during his employment up to January of 2000, was he, to your knowledge?

15:37:31 21

15:37:34 22

15:37:37 23 A. No.

15:37:39 24 Q. And how about after January of 2000?

56

15:37:44 1 A. I don't know.

15:38:01 2 Q. At some point in time you said that he was -- actually for approximately a ten-year period Mr. Alberghini was in what position? I think you said from '91 to 2000.

15:38:04 3

15:38:08 4

15:38:14 5

15:38:16 6 A. Maintenance manager.

15:38:18 7 Q. Who reported to him in that position? Do you know?

15:38:20 8

15:38:22 9 A. He had one direct report, Cary Mansfield, maintenance foreman.

15:38:28 10

15:38:29 11 Q. And what did Mr. Mansfield do?

15:38:32 12 A. Well, he was basically the next step down. He would have been the direct supervisor of the crafts group, the trades and crafts group. Doing, you know, typical foreman things: Setting priorities, providing some expertise and some direction to the work force, getting involved with administering plant rules, safety, the like.

15:38:35 13

15:38:39 14

15:38:43 15

15:38:48 16

15:38:53 17

15:38:59 18

15:39:01 19

15:39:03 20 There was also a -- he wasn't a Simonds employee, but there was also a housekeeping supervisor that was provided by an off-site cleaning service which was essentially a -- he wasn't on the Simonds payroll, but he

15:39:09 21

15:39:11 22

15:39:13 23

15:39:18 24

15:55:43 1 **relationship, but I believe so.**
 15:55:49 2 **Q. Do you know what his duties were**
 15:55:51 3 **with the company?**
 15:55:56 4 4 **A. As quality control manager?**
 15:55:56 5 **Q. Right.**
 15:55:57 6 **A. I'd say implement quality plans,**
 15:56:04 7 **evaluate customer returns, customer complaints,**
 15:56:11 8 **work with the manufacturing engineers on**
 15:56:21 9 **continuous improvement projects, probably be**
 15:56:21 10 **the spokesperson for any ISO 9000 or other**
 15:56:21 11 **certification activity.**
 15:56:23 12 **Q. Who performed that job before**
 15:56:25 13 **Mr. Santoro?**
 15:56:26 14 **A. Bill Baker.**
 15:56:31 15 **Q. Was it that same exact job?**
 15:56:34 16 **A. I believe so.**
 15:56:39 17 **Q. And when did Mr. Baker leave the**
 15:56:42 18 **company?**
 15:56:42 19 **A. May of 2001.**
 15:56:52 20 **Q. And when was Mr. Santoro hired?**
 15:56:59 21 **A. I can't remember. I left in**
 15:57:06 22 **September. I really don't know. June, July**
 15:57:09 23 **maybe, 2001.**
 15:57:10 24 **Q. Do you know why Mr. Dexter was hired**

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15:57:14 1 **by the company?**
 15:57:25 2 **A. It was probably an increase in the**
 15:57:31 3 **engineering staff size. A new hire. I don't**
 15:57:41 4 **believe he was a replacement, but I -- I'm not**
 15:57:46 5 **real sure. You mean as opposed to -- I don't**
 15:57:52 6 **believe it was a replacement.**
 15:57:55 7 **Q. How about Mr. Duperry?**
 15:58:00 8 **A. I believe it was a new hire which**
 15:58:06 9 **increased the size of the engineering**
 15:58:08 10 **department.**
 15:58:11 11 **Q. When did Steve Niemi leave the**
 15:58:16 12 **company, if you recall?**
 15:58:26 13 **A. August of 2001, best guess.**
 15:58:29 14 **Q. And do you know who he was replaced**
 15:58:35 15 **by?**
 15:58:37 16 **A. Rick Brault.**
 15:58:41 17 **Q. And prior to being replaced by**
 15:58:46 18 **Mr. Brault, had Mr. Brault been employed by the**
 15:58:52 19 **company as a manufacturing engineer?**
 15:59:02 20 **A. Yes.**
 15:59:04 21 **Q. And did you have anything to do with**
 15:59:04 22 **Mr. Brault becoming the engineering manager?**
 15:59:04 23 **A. No.**
 15:59:06 24 **Q. And was Mr. Brault becoming the**

15:59:11 1 **engineering manager, did that create a need for**
 15:59:15 2 **another manufacturing engineer, if you recall?**
 15:59:24 3 **A. Possibly.**
 15:59:27 4 **Q. And after that, Mr. Duperry and**
 15:59:33 5 **Mr. Santoro were hired soon after that?**
 15:59:36 6 **A. Yes. I'm going to say yes.**
 15:59:44 7 **Q. Do you have any knowledge of**
 15:59:46 8 **Mr. Santoro's qualifications for the job he**
 15:59:48 9 **did?**
 15:59:48 10 **A. No, none at all.**
 15:59:50 11 **Q. How about the quality of his job**
 15:59:52 12 **performance at Simonds?**
 15:59:55 13 **A. I know -- I had no relationship with**
 16:00:00 14 **him at all.**
 16:00:02 15 **Q. How about Mr. Brault?**
 16:00:03 16 **A. We worked together on a couple**
 16:00:06 17 **projects.**
 16:00:06 18 **Q. When was that?**
 16:00:09 19 **A. We brought -- Simonds acquired a**
 16:00:13 20 **division of a company in Worcester that**
 16:00:15 21 **manufactured whole saws, so it was a --**
 16:00:19 22 **probably my last major project was to, you**
 16:00:22 23 **know, move the facility from the plant here in**
 16:00:25 24 **Worcester to Fitchburg, lay out all the**

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16:00:29 1 **equipment, and concurrent with that make some**
 16:00:32 2 **process improvements and some tooling**
 16:00:42 3 **improvements.**
 16:00:54 4 **Q. When Mr. Niemi left the company --**
 16:00:56 5 **A. Uh-huh (affirmative response).**
 16:00:57 6 **Q. -- at that point in time do you**
 16:00:59 7 **believe Mr. Alberghini would have been**
 16:01:01 8 **qualified to perform the engineering manager**
 16:01:03 9 **position?**
 16:01:17 10 **A. I'm thinking because, you know,**
 16:01:20 11 **clearly he had been at a senior staff manager**
 16:01:24 12 **for ten years. So I'm going to say yes.**
 16:01:26 13 **Q. What do you base that on?**
 16:01:26 14 **A. The fact that he had, you know, an**
 16:01:33 15 **intimate knowledge of the -- you know of the**
 16:01:36 16 **business, you know, the labor contract, the**
 16:01:40 17 **capital expenditures. I believe he's someone**
 16:01:46 18 **that could have, you know, directed projects**
 16:01:49 19 **and, you know, provided guidance and --**
 16:01:53 20 **Q. But he hadn't directed engineering**
 16:01:55 21 **projects before, had he?**
 16:01:58 22 **A. He directed, you know, projects on**
 16:02:02 23 **the maintenance side which had to do with, you**
 16:02:04 24 **know, large scale installations or plant moves**

16:55:47 1 you know, some of the statements that I thought
 16:55:50 2 you had put some -- like some value judgments
 16:55:53 3 on saying well, all layoffs are fair or all
 16:56:00 4 layoffs are necessary. I didn't particularly
 16:56:00 5 agree with that.
 16:56:00 6 Q. Okay.
 16:56:03 7 A. And if that's what I heard --
 16:56:03 8 Q. I'm going to say, because you said
 16:56:04 9 it for the record and I don't want to get
 16:56:05 10 involved as a witness, but that's not what I
 16:56:07 11 said.
 16:56:08 12 A. Okay.
 16:56:11 13 Q. Did I ever suggest that you not tell
 16:56:13 14 the truth at this deposition?
 16:56:15 15 A. No, absolutely not. No.
 16:56:27 16 Q. And, in fact, you said to me that
 16:56:30 17 you didn't believe Mr. Alberghini's termination
 16:56:35 18 was based on age discrimination; isn't that
 16:56:39 19 true?
 16:56:39 20 A. I think we were specifically talking
 16:56:41 21 about the 2000 layoff.
 16:56:43 22 Q. I understand. But -- and if you
 16:56:45 23 don't remember, that's okay.
 16:56:48 24 A. I didn't -- I agreed with that

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16:56:49 1 statement, but I think I made a statement that
 16:56:52 2 doesn't mean that every case, including Lou's
 16:56:55 3 in May, did I feel was -- I didn't feel that
 16:57:02 4 applied to every layoff that Simonds had done.
 16:57:05 5 Q. Okay. You didn't agree with Mr. --
 16:57:08 6 with the choice of Mr. Alberghini for layoff in
 16:57:10 7 May 2001, did you?
 16:57:11 8 A. No.
 16:57:13 9 Q. And why not?
 16:57:15 10 A. I felt it was -- I thought that the
 16:57:20 11 argument that a project engineer couldn't do
 16:57:23 12 project engineering is a very specious
 16:57:26 13 argument. I think that, you know -- I'm
 16:57:32 14 convinced that a job description was
 16:57:36 15 constructed in May of 2001, as product engineer
 16:57:42 16 as -- for some reason that I can't really
 16:57:47 17 fathom. And I -- you know, rightly or wrongly,
 16:57:49 18 I made the link between constructing a job
 16:57:53 19 description that reads the same as an existing
 16:58:00 20 job description, you know, for what reason?
 16:58:00 21 Followed shortly thereafter by a layoff.
 16:58:01 22 And I've heard that one of the
 16:58:03 23 rationales was "Lou, you're a project engineer
 16:58:08 24 doing projects throughout the whole plant, but

16:58:10 1 you can't do projects in part of the plant."
 16:58:13 2 That would be like someone telling me, "John,
 16:58:15 3 you're a plant manager but you can't be
 16:58:17 4 co-plant manager." I find it illogical.
 16:58:21 5 Q. Well, the documents speak for
 16:58:24 6 themselves, and I don't think that they are the
 16:58:25 7 same. But the record will reflect that, and I
 16:58:28 8 think you were asked about those at your
 16:58:29 9 October 2002 deposition.
 16:58:31 10 A. Yes, it was. Yeah, right. We went
 16:58:34 11 into quite some detail about that.
 16:58:36 12 Q. You don't have any personal
 16:58:37 13 knowledge of any connection between the
 16:58:38 14 creation of the product --
 16:58:39 15 A. No
 16:58:39 16 Q. -- manager job description and
 16:58:40 17 Mr. Alberghini's layoff, do you?
 16:58:41 18 A. No.
 16:58:41 19 Q. And you don't have any personal
 16:58:43 20 knowledge that Mr. Alberghini was selected for
 16:58:44 21 layoff in May of 2001 based on his age, do you?
 16:58:47 22 A. No.
 16:58:52 23 Q. And you said Mr. Martino directed
 16:58:54 24 you to terminate certain employees?

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16:58:56 1 A. Yes.
 16:58:57 2 Q. What he was driving at was
 16:59:00 3 eliminating a layer of management in January of
 16:59:03 4 2000; isn't that true?
 16:59:03 5 A. Yes.
 16:59:05 6 Q. And that layer of management
 16:59:07 7 included certain individuals, right?
 16:59:09 8 A. Comes down to -- yes.
 16:59:10 9 Q. And the entire layer of management
 16:59:12 10 was, in fact, eliminated, right?
 16:59:16 11 A. Four of the six were eliminated.
 16:59:20 12 Q. What four?
 16:59:22 13 A. Lou Alberghini, Ron Larson, Jim
 16:59:27 14 Bourque, and Dick Souliere if he had still been
 16:59:31 15 with the company not on medical disability.
 16:59:32 16 Q. And who are you saying in that layer
 16:59:34 17 was not eliminated?
 16:59:36 18 A. Tom Szocik and Jim Carnivale.
 16:59:38 19 Q. Okay. Why do you put them in that
 16:59:40 20 layer?
 16:59:40 21 A. Because they reported to me at the
 16:59:43 22 operations level.
 16:59:43 23 Q. I understand.
 16:59:44 24 A. Yeah.

APPENDIX 9

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AFTERNOON SESSION

MR. SIGEL: Let's go back on the record.

Q. Mr. Alberghini, back to your layoff in January of 2000, do you know who made the decision to lay you off at that time?

A. No.

Q. At that time, was it your understanding that the company was having some financial problems?

A. No.

Q. No one informed you of that?

A. No.

Q. When you were informed of your layoff in January of 2000, were you told that there was a reorganization and/or reduction in force based on business conditions?

A. Just that they were laying off my level again, the level that in the hierarchy in the plant, that's what they told me.

Q. Now, getting back to, we had talked a little bit about bumping. Do you know of anyone that were nonunion folks who bumped others rather than being laid off?

A. At that time or anytime?

1 Q. Okay. Let me show you another document.
2 No, let me ask you. Regardless of Mr. Brault's
3 experience and education prior to coming to Simonds,
4 is it your testimony that because you had worked at
5 Simonds for a number of years, that you were therefore
6 more qualified than him to be the engineering manager
7 or not?

8 A. I was as qualified.

9 Q. That's simply by virtue of your experience
10 there?

11 A. Uh-huh.

12 MS. ELLIOTT: You have to answer yes.

13 A. Yes.

14 Q. If you can, I'd ask you to go back and
15 take a look at Exhibit No. 5, if my memory serves me.
16 My memory did not serve me.

17 Exhibit No. 4, I believe, the complaint,
18 if I could just ask you to look at the second page of
19 that where it says charge of discrimination, is that
20 right, the second page of the document the first page
21 of your charge of discrimination. Now, was there a
22 reduction in force in January of 2000?

23 A. Was there a reduction in force in January
24 of 2000? Yes.

1 Q. Answer verbally.

2 A. Yes.

3 Q. What additional training did he receive?

4 A. I'm not sure the extent of it, but he was
5 sent out to do it.

6 Q. Did you ask why you weren't sent?

7 A. I didn't.

8 Q. Why not?

9 A. Because I had my job to do. I was doing
10 my job.

11 Q. Well, did you think it was something
12 unfair at the time for you not being sent to do that
13 more training?

14 A. In retrospect, back then no, but now,
15 there is no reason why I couldn't have been sent out.

16 Q. When was that, by the way? Do you recall?
17 Was that shortly before your May 2001 layoff?

18 A. I don't remember when I took the training.

19 Q. Do you believe that a disproportionate
20 number of older workers age 50 and 60 were laid off in
21 May of 2001?

22 A. Yes.

23 Q. What do you base that on?

24 A. Facts.

1 Went four years, associate's degree in electrical
2 engineering.

3 Went to trade school for a year, nights,
4 to get my electrician's license and then in -- I'm not
5 sure of these years but I want to say around 1985 or
6 '86 I went to -- I was going to Central New England
7 College evenings and Central New England College
8 closed. I picked up the courses in Johnson and Wales
9 and finished with a degree of -- B.S. degree in
10 electrical engineering technology.

11 Q. So by B.S., you mean a bachelor's of
12 science?

13 A. That's correct.

14 Q. And what year was that that you achieved
15 that degree?

16 A. I believe it was '93.

17 Q. Did you ever inform any member of
18 management at Simonds that you had achieved that
19 degree?

20 A. Yes.

21 Q. Who did you inform?

22 A. Oh, Bob Deedrick. In fact, they should
23 have a copy of my diploma on file. And I think
24 Simonds paid for the whole thing through, so they knew

1 Q. What course was that?

2 A. Electrical engineering.

3 Q. When was that?

4 A. I want to say '85.

5 Q. You didn't take any other courses there?

6 A. No, from there I entered into Central New
7 England after that, I believe.

8 Q. And what courses did you take at Central
9 New England College?

10 A. The whole gamut, calculus, digital, a lot
11 of your basic engineering, thermodynamics and
12 thermodynamics might have been at Johnson and Wales
13 but it's either of the colleges.

14 I'm just going to talk about them as I
15 continued through, okay?

16 Q. Okay.

17 A. Mechanical engineering, lot of the basic
18 engineering courses, along with, you know, directed
19 more into electrical engineering.

20 Q. You started to say digital. What was
21 that?

22 A. Digital electronics.

23 Q. Digital electronics?

24 A. Uh-huh.

1 A. Yes.

2 Q. Yes?

3 A. Yes.

4 Q. So did you give Simonds official
5 transcripts?

6 A. Yes.

7 Q. Who did you give those to?

8 A. I believe they went to Elaine.

9 Q. Elaine?

10 A. Archambault.

11 Q. Who was she?

12 A. She was the secretary, the executive
13 secretary.

14 Q. Who did she report to?

15 A. Ross George.

16 Q. How about a copy of your diploma, did you
17 ever give that to Simonds?

18 A. I don't know if it was a copy or I had
19 showed them -- I'm not sure how -- I don't remember
20 how it went.

21 Q. Do you recall who you showed?

22 A. I think it was Bob Deedrick.

23 Q. Was the diploma from Central New England
24 College or Johnson and Wales?

1 Q. Sure.

2 A. All the courses you took are included in
3 mechanical and electrical. You say thermodynamics.
4 Is that mechanical or electrical? That's why I can't
5 answer the statement.

6 Q. Well, let me ask it a different way then,
7 what is thermodynamics? Is it mechanical or is it
8 electrical?

9 A. I'm going to say mechanical.

10 Q. Okay. What do you base that answer on?

11 A. Because you are studying the mechanics of
12 heat treating and metals.

13 Q. Okay. Did you take only one
14 thermodynamics course?

15 A. Yes.

16 Q. What other courses, if you recall, did you
17 take that you would classify as mechanical engineering
18 type courses?

19 A. Drafting, structural. That's all I'm
20 going to say. I can't recollect.

21 Q. Electrical engineering was your focus and
22 that's the area that you achieved your degree;
23 correct?

24 A. That's correct.

1 use, work site.

2 Q. Whatever it was that you were learning,
3 you were implementing?

4 A. Exactly.

5 Q. Let me just show you a document. I'm not
6 sure we need to mark it as an exhibit at this point
7 but for the record, it says Johnson and Wales
8 University, company reimbursement program. Do you
9 recognize that document?

10 A. It has my name at the top, so I did take a
11 sociology course.

12 Q. Is this your handwriting?

13 A. Yes.

14 Q. Does it refresh your memory at all as to
15 your taking the class? In other words, independently
16 of seeing this, do you recall now taking that course?

17 A. No.

18 Q. You don't know why you would have taken
19 sociology?

20 A. It was probably part of the program.

21 Q. Anything else other than what you
22 testified to already regarding your educational
23 background that you want to state for the record?

24 A. Well, I took an AutoCAD course in design.

APPENDIX 10

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[1] training" for those items, what did you mean?

[2] A: I meant that they have significantly
[3] advanced features to them that would have
[4] benefited me if I had had training in how to use
[5] them.

[6] Q: Okay. And when you say that you knew
[7] how to use them, did you just minimally know how
[8] to use these — the AutoCAD and Microsoft
[9] Project?

[10] A: No, that's not an accurate
[11] description.

[12] Q: Okay. What was your experience level
[13] on those?

[14] A: I think I would say that I'm
[15] reasonably proficient, but there are some — for
[16] example three-dimensional CAD, which I don't
[17] have experience with, which I would like to,
[18] which is a new product that we've just brought
[19] in.

[20] Q: Okay. And on Microsoft Project, is
[21] there other aspects of that that you —

[22] A: There are some accounting functions
[23] that can be used in that program to aid in
[24] managing projects.

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[1] Q: Okay. And if you had to rate your
[2] skill level on those, on the Microsoft Project,
[3] what would it be?

[4] A: I would say that I'm proficient in
[5] most of it.

[6] Q: And your supervisor for the — for
[7] this particular performance review that we're
[8] discussing now, was that Steve Niemi? He signed
[9] this, so I assume he was.

[10] A: Uh-hum.

[11] Q: Is that right?

[12] A: Yes.

[13] Q: And he states in Development Needs,
[14] "Rick needs some introduction to CNC process
[15] equipment." Did he tell you what he meant by
[16] that?

[17] A: No.

[18] Q: Did he discuss that with you —

[19] A: No.

[20] Q: — in your performance review?

[21] A: No.

[22] Q: Did you see the Manager Assessment
[23] part —

[24] A: No.

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[1] Q: — of your performance review? You
[2] never saw it?

[3] A: I don't remember seeing it.

[4] Q: It indicates that you signed that,
[5] also, on 2/13/01.

[6] A: Then I must have seen it.

[7] Q: Do you remember anything that Steve
[8] discussed with you, relative to his Manager
[9] Assessment?

[10] A: I'm sorry, but I really don't
[11] remember discussing it with him.

[12] Q: Okay. What were your work
[13] interactions with Lou Alberghini at the time
[14] that you were both employed at Simonds
[15] Industries?

[16] A: I had no work interactions with Lou,
[17] other than the PTA project —

[18] Q: Okay. He worked on —

[19] A: — that I can recall.

[20] Q: That you can recall?

[21] A: Right.

[22] Q: Other than that project, he worked on
[23] different projects —

[24] A: Yes.

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[1] Q: — than what you were working on?

[2] A: Yes.

[3] Q: Did the two of you talk about things
[4] that were not work related?

[5] A: Yes.

[6] Q: And did you have any occasions to
[7] talk about anything with Lou Alberghini that was
[8] work related?

[9] A: Yes.

[10] Q: Would you remember what you talked
[11] about that was work related?

[12] A: I don't remember any specifics, but
[13] I'm sure we must have had some interaction on
[14] the PTA project.

[15] Q: Okay. And you don't remember
[16] anything specific about the PTA project, what
[17] the two of you talked about?

[18] A: Talked about the project.

[19] Q: Okay. And what kinds of things did
[20] you talk about the project?

[21] A: I had to explain to Lou what — what
[22] I needed him to do to help me, and I'm sure,
[23] although I don't remember specifics, but I'm
[24] sure we had some interactions on questions that

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[1] country, worked out in the field with
[2] distribution and end users.
[3] Q: Okay. And that was while you were at
[4] Kontro?
[5] A: Yes.
[6] Q: And for how long of a time frame did
[7] you — were you a sales manager?
[8] A: It would be about three years.
[9] Q: About three years, okay. Other than
[10] that three years, the eight months that we
[11] talked about and the two other one-year time
[12] periods, was there any other time you were a
[13] manager, prior to being employed by Simonds
[14] Industries?
[15] A: Yes. When I was in the grocery
[16] business, I was a — what they called a grocery
[17] manager, and an assistant store manager.
[18] Q: Okay. And how long a period of time
[19] did you do that?
[20] A: Grocery manager, and this goes way
[21] back, but approximately, I would say a year, and
[22] the assistant store manager was just a few
[23] months.
[24] Q: And did the grocery store business

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[1] have anything to do with employment that you
[2] took after that time, when you were the grocery
[3] store manager?
[4] A: I don't understand.
[5] Q: Did that particular business have
[6] anything to do with any employment that you took
[7] after that point?
[8] A: I don't understand what you mean.
[9] Q: Or were the skills, or anything that
[10] you learned relative to being a grocery store
[11] manager, helpful to you in any employment that
[12] you had post that?
[13] A: I would say dealing with people. I
[14] had to manage people —
[15] Q: Okay.
[16] A: — in all those positions.
[17] Q: Do you have ISO 9,000 certification?
[18] A: No.
[19] Q: Since your employment at Simonds
[20] Industries, have you had any training programs
[21] that you attended that were paid for by the
[22] company?
[23] A: No, not that I can remember.
[24] Q: Okay. Did you seek any sort of

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[1] training programs on your own that you paid for,
[2] since you've been employed at Simonds?
[3] A: No.
[4] Q: Have you ever had any disciplinary
[5] actions, during the time that you've been
[6] employed by Simonds Industries?
[7] A: No.
[8] Q: During the time that you've been
[9] employed by Simonds Industries, did your —
[10] other than you being promoted to the engineering
[11] manager, has your job changed in any way? Have
[12] your job duties changed in any way?
[13] A: I don't understand what you're asking
[14] me.
[15] Q: Well, let me try it again. Let's
[16] talk about your senior engineering position,
[17] okay? What job duties did you perform in the
[18] senior engineering position?
[19] A: When I initially was hired at
[20] Simonds, I was given responsibility for a big —
[21] probably the biggest project they had going at
[22] the time, and that was getting them in the PTA
[23] business, the recip business. The reason I
[24] hesitate is because I did everything that needed

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[1] to be done to get the line up and running, so
[2] that encompasses a lot, okay?
[3] Q: Okay.
[4] A: But I was responsible for ordering
[5] equipment, setting lines of production up. I
[6] was responsible for interfacing with vendors,
[7] outside people that were involved in different
[8] parts of the project. I traveled to machine
[9] vendors to certify that the equipment worked as
[10] advertised, and gave approvals for the equipment
[11] to be shipped into Simonds.
[12] I was also responsible for designing
[13] and building some tooling involved on the
[14] project. I worked with operators, to train
[15] operators on how to run the equipment and the
[16] tooling. I worked with marketing, to make sure
[17] that what we were doing was meeting the
[18] requirements that they needed to have for their
[19] customers.
[20] You know, I also worked with our cost
[21] people, in terms of the financial side of it, to
[22] make sure that what I set up was going to be
[23] made at a cost that was going to be sustainable
[24] by the company and we were going to be able to

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[1] completed the apprentice course, and that was a
[2] four-year course.

[3] Then I worked in the tool room,
[4] machine shop, tool room slash machine shop for
[5] approximately three years, after that joined the
[6] engineering group, again for approximately three
[7] years, then left Starrett's and went to the
[8] Kontro Company.

[9] Q: And what did you do for them?

[10] A: I started out as order entry,
[11] basically order entry, and then worked my way up
[12] to assistant sales manager. I did a lot of
[13] traveling, working with end users and
[14] distributors. At the end of my tenure with
[15] Kontro I went into the production side of the
[16] business, was a production manager for
[17] approximately eight months, before I left.

[18] Q: Okay. And what kind of a product
[19] does Kontro produce?

[20] A: It's a sanitary pump.

[21] Q: Is that like something that would be
[22] in a mobile home or —

[23] A: No, this was designed to pump food
[24] products.

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[1] Q: Okay. What did you do after Kontro?

[2] A: Went back to Starrett's, was hired as
[3] a saw service engineer, did that for
[4] approximately two years, and then I accepted a
[5] full line position for approximately six or
[6] eight months, I'm not sure.

[7] Q: What do you mean "a full line
[8] position?"

[9] A: I was selling the whole product line
[10] that Starrett makes. Then I went to Rule
[11] Cutting Tools as a manufacturing engineer, and I
[12] don't remember the exact time frame. I think it
[13] was somewhere around '95, '96, I was made senior
[14] manufacturing engineer, and then the last —
[15] let's see. I left there in — the last year I
[16] was with them, approximately the last year I was
[17] with them, I was a quality manager.

[18] Q: And after that, did you — did you do
[19] anything else there?

[20] A: I was facilities manager for a while,
[21] for approximately a year, in charge of the
[22] machine shop and all the maintenance personnel.

[23] Q: Okay. And what did you do after you
[24] were the facilities manager?

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[1] A: I was the facilities manager first,
[2] actually, and then went to quality manager.

[3] Q: Okay.

[4] A: Actually, that's not right either. I
[5] was facilities manager, then I went to
[6] manufacturing engineer, then to quality.

[7] Q: And have you said every position that
[8] you held at that company? This is the Rule
[9] Group, you're taking about now?

[10] A: The Rule Group, by the time I left it
[11] was owned by Kennametal. We went through three
[12] different owners during that period of time. I
[13] think I've covered everything.

[14] Q: Okay. And how long did you work for
[15] that company, including when it was called
[16] Kennametal?

[17] A: Approximately eight and-a-half years.

[18] Q: So primarily you worked for Starrett,
[19] Kontro, Rule Group, slash Kennametal?

[20] A: Uh-hum.

[21] Q: Then at what time did you become
[22] employed at Simonds Industries?

[23] A: When I left Kennametal, I went to
[24] Simonds.

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[1] Q: Okay. And when was that?

[2] A: The summer of — I think it was
[3] August of — I think my start date at Simonds
[4] was August 14th, 2000?

[5] Q: And what position were you hired for
[6] at Simonds Industries?

[7] A: Senior manufacturing engineer.

[8] Q: What salary were you hired for at
[9] Simonds Industries?

[10] A: 66,000.

[11] Q: And since that time, have you had a
[12] promotion at the company —

[13] A: Yes.

[14] Q: — at Simonds? And what is your
[15] title now?

[16] A: Engineering manager.

[17] Q: And were you promoted from senior
[18] manufacturing engineer to engineering manager?

[19] A: Yes.

[20] Q: And did you receive a raise in
[21] connection with that promotion?

[22] A: Uh-hum. Yes.

[23] Q: And what is your salary now?

[24] A: 76.

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[1] manufacturing engineer at Kennametal, or
[2] Greenfield Industries or Rule, was to supervise
[3] the other engineers at times.

[4] Q: So similar to what you're doing now,
[5] you —

[6] A: Yes.

[7] Q: — both supervise other manufacturing
[8] engineers, and you also perform duties of a
[9] manufacturing —

[10] A: Yes.

[11] Q: — engineer; correct?

[12] A: Yes.

[13] MR. SIGEL: I have no further
[14] questions.

[15] EXAMINATION
[16] BY MS. ELLIOTT:

[17] Q: Mr. Brault, your resume indicates
[18] that you had three years as a manufacturing
[19] engineer for L.S. Starrett, that you had four
[20] years as a manufacturing engineer for the Rule
[21] Group/Greenfield Industries, and I see no other
[22] indication that you were a manufacturing
[23] engineer. What are you including in your 23 —
[24] or, 19 years of experience?

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[1] A: I've never stopped being a
[2] manufacturing engineer. My title has changed,
[3] but the responsibilities — I've always had
[4] manufacturing engineering responsibilities in
[5] all those positions.

[6] Q: Okay. Well, I guess we'd better go
[7] back through those, then. As a tool maker at
[8] L.S. Starrett company from '73 to '81, what of
[9] that position —

[10] A: Now —

[11] Q: — did you perform as —

[12] A: I wasn't including that in that. I
[13] didn't include that.

[14] Q: Okay. Well, why don't you let me ask
[15] the question, and then you can give your answer.
[16] My question is: As a tool maker at L.S.
[17] Starrett from '73 to '81, did you perform any
[18] manufacturing engineering responsibilities?

[19] A: No.

[20] Q: Okay. And what, from 1981 to 1984,
[21] as a manufacturing engineer, did you perform in
[22] that position as a manufacturing engineer? What
[23] duties did you have?

[24] A: I was primarily responsible for

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[1] designing custom machinery for the L.S. Starrett
[2] Company saw division.

[3] Q: Okay. And from 1984, then, to 1989,
[4] in sales for the Kontro Company, what did you do
[5] in that position that was manufacturing
[6] engineering related?

[7] A: Part of my duties, because it was a
[8] small company, overlapped. Because of my
[9] background in manufacturing, at times I was
[10] asked to get involved in the manufacturing of
[11] the pumps when we had problems, quality
[12] problems, as well as manufacturing problems.

[13] Q: And how many times did you get
[14] involved in the manufacturing of the pumps in
[15] that four to five-year period?

[16] A: A number of times. I can't put an
[17] exact number on it.

[18] Q: Okay. From 1989 to 1992, your resume
[19] indicates that you were a saw service sales
[20] technician for the L.S. Starrett Company. What,
[21] within that position, are you indicating is
[22] manufacturing engineering related?

[23] A: I would say troubleshooting.

[24] Q: And when did you do that?

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[1] A: Calling on the customers.

[2] Q: Calling on customers, what about that
[3] was — required you to have manufacturing
[4] engineering knowledge?

[5] A: Equipment knowledge, basically. For
[6] example, if the customer was having a problem
[7] with our blades, I would be required to go in
[8] and analyze the problem and figure out whether
[9] it was machine related, or whether it was
[10] product related, or whether it was something
[11] that the customer was doing wrong.

[12] Q: And is that anything different than
[13] what you and Mr. Alberghini did, while you were
[14] both employed at Simonds Industries?

[15] A: I can't speak for what Mr. Alberghini
[16] did, so I don't —

[17] Q: You don't know anything about what
[18] his projects were?

[19] MR. SIGEL: Objection.

[20] Q: Is that right?

[21] MR. SIGEL: Only testify if you know.

[22] A: Basically, no.

[23] Q: Okay. And his projects also may have
[24] been manufacturing engineering related. You

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[1] came up in setting up the equipment on the
[2] press.

[3] Q: Okay. What kind of a project was it?
[4] Would you classify that as a mechanical
[5] engineering project, or some other kind of a
[6] project?

[7] A: Are you talking about the PTA project
[8] as a whole, or the portion of the project that
[9] Lou worked on?

[10] Q: Well, I guess let's start with what
[11] Lou worked on. Is that, in any way, mechanical
[12] related? Or was that, I should say, in any way
[13] mechanically related?

[14] A: Is that — you've said two different
[15] things. I don't understand what you're asking
[16] me. You've used the term mechanical engineer,
[17] which implies something that requires a lot more
[18] complexity than just mechanical. Can you
[19] rephrase your question?

[20] Q: Sure.

[21] A: I want to be accurate, that's all.

[22] Q: Okay. Did any aspects of what Lou
[23] Alberghini worked on, in the PTA project,
[24] involve mechanical engineering?

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[1] A: What Lou worked on would not have
[2] involved a mechanical engineering degree.

[3] Q: Okay.

[4] A: It didn't reach that level of
[5] complexity.

[6] Q: Okay. Then did it involve elements
[7] that required someone to have mechanical
[8] knowledge?

[9] A: Mechanical knowledge was helpful on
[10] that project.

[11] Q: Okay. And in what ways would a
[12] mechanical — mechanical knowledge be helpful in
[13] that particular project?

[14] A: Just understanding how the machine
[15] would run.

[16] Q: Were there electrical components to
[17] this particular project?

[18] A: Yes.

[19] Q: Okay. And did Lou work on electrical
[20] components —

[21] A: Yes.

[22] Q: — for that particular project?

[23] A: Yes.

[24] Q: And what kinds of things did he do

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[1] that were electrical?

[2] A: Assisted in the installation of the
[3] control panel and the controls on the machine.

[4] Q: Anything else?

[5] A: Not that I can recall.

[6] Q: I think you said that you were ISO
[7] 9,000 certified; is that right?

[8] A: No, I did not say that.

[9] Q: Oh, you did not. You are not?

[10] A: No, I am not.

[11] Q: I'm going to show you what is a Job
[12] Description for Engineering Manager. Could you
[13] take a look at that for a second? You can just
[14] let me know when you're done reviewing that.

[15] (Witness perusing document.)

[16] A: I'm finished.

[17] Q: Okay. Have you seen this job
[18] description before?

[19] A: Yes.

[20] Q: And when did you see it?

[21] A: Yesterday.

[22] Q: Okay. Had you seen it before
[23] yesterday?

[24] A: No.

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[1] Q: When you became the engineering
[2] manager, did your supervisor give you a copy of
[3] this —

[4] A: No.

[5] Q: — job description? No?

[6] A: No.

[7] Q: How did you get your — what the
[8] duties were of your position and what you were
[9] supposed to do in that position?

[10] A: Verbally.

[11] Q: And who was your manager, when you
[12] became the engineering manager?

[13] A: David Bourgeois.

[14] Q: And is he currently your manager?

[15] A: No, he's not.

[16] Q: Who is your manager now?

[17] A: Jim Burke.

[18] Q: And other than those two individuals,
[19] did you have anybody else as a manager while you
[20] were the engineering manager?

[21] A: No.

[22] Q: I mean directly, your direct manager.

[23] I'm sure —

[24] A: Yes, that's —